

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MICHAEL LIEFER,

Defendant.

Case No. 2:11-cr-00356-GMN-PAL

ORDER

(Deft's Mot Dismiss - Dkt. #40)

Before the court is the Defendant's Motion to Dismiss State of Nevada Executive Warrant to Extradite Movant to State of New York (Dkt. #40) filed February 12, 2013. The motion is filed "pro se" although Liefer is represented by counsel.

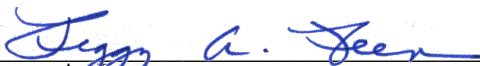
Liefer is charged in a federal grand jury Indictment (Dkt. #1) returned September 28, 2011, with failing to register in violation of 18 U.S.C. § 2250(a). He made his initial appearance and was arraigned on October 7, 2011, appearing pursuant to a writ of habeas corpus ad prosequendum issued to bring him from state to federal custody. The Federal Public Defender's Office was appointed as counsel, he entered a plea of not guilty and the matter was set for trial. *See* Minutes of Proceedings (Dkt. #9). On November 27, 2012, he was before the district judge on a change of plea and pled guilty to Count 1 of the Indictment. The matter was referred to the Probation Department for investigation and report, and sentencing and disposition is currently set for February 28, 2013, at 8:00 a.m., before the district judge. *See* Minutes of Proceedings (Dkt. #36).

His motion requests an order of this court dismissing a Nevada executive warrant authorizing his extradition to the State of New York to face a probation violation. He asserts Governor Sandoval's executive warrant is null and void because it was not issued within 60 days of his arrest as required by Nevada Revised Statutes Chapter 179. He asks that this court order the State of Nevada not to arrest or

1 detain him on the extradition warrant, and that this court notify the State of New York and the State of
2 Nevada of his motion to dismiss and provide both states with copies of his motion.

3 LR IA 10-6(a) states, in pertinent part: “a party who has appeared by an attorney cannot while
4 so represented appear or act in the case.” Additionally, on the merits, this court lacks jurisdiction in this
5 federal criminal case to interject or interfere with pending state criminal proceedings. For both reasons,
6 Liefer’s Motion to Dismiss (Dkt. #40) is **DENIED**.

7 Dated this 15th day of February, 2013.

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10 Peggy A. Leen
United States Magistrate Judge
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